

**ADOPT-A-HIGHWAY PERMIT SPECIAL PROVISIONS**

TR-0156 (Rev. 03/2006)

**1. AUTHORITY:** The Department's authority to issue encroachment permits is provided under, Division 1, Chapter 3, Article 1, Section 660 to 734 of the Streets and Highways Code.

**2. REVOCATION/CANCELLATION:** This permit may be revoked by the Department for noncompliance with permit provisions or for failure of the permittee, or their representative, to adhere to direction given by a Departmental representative. These provisions are subject to modification or abrogation at any time. This permit may be temporarily suspended due to construction or other State operations at, or within, the vicinity of the site.

Permittee may cancel their permit at any time without consequence from the Department. Permittees using contractors are responsible for terminating those arrangements.

**3. ASSIGNMENT:** No parties other than the permittee, or permittee's authorized representatives, are allowed to work under this permit.

**4. ACCEPTANCE OF PROVISIONS:** Permittee understands and agrees to accept these Adopt-A-Highway Permit Special Provisions and all attachments to this permit, for any work to be performed under this permit. It is understood and agreed by the permittee that performing work under this permit shall constitute acceptance.

**5. PERMITTEE RESPONSIBILITY:** No person shall enter the State's right-of-way to perform work until the Department's representative has given the permittee's safety/crew leader a safety orientation, and, all participants have received safety training from the permittee's safety/crew leader as described in items 19 and 22.

It is the responsibility of the permittee to notify the District Adopt-A-Highway Coordinator of any change of permittee's address, phone number, or contact person.

**6. PLAN CHANGES:** Changes to plans, specifications, and permit provisions are not allowed without prior approval from the Department.

**7. PARTICIPATION OF MINORS:** No minors under the age of 16 are permitted to work on State right-of-way. Minors, aged 16 and 17, may participate provided that there is one adult supervisor present at the site for every five minors working. The adult supervisor must be at least 21 years old and must walk along with the group.

**8. BEGINNING OF WORK:** Work authorized by this permit shall begin within 30 calendar days from the date of issuance, regardless of whether or not the permittee's Adopt-A-Highway courtesy sign(s) and/or recognition panel(s) have been installed.

**9. WORK DAYS AND HOURS:** Work must be performed during daylight hours. If weather (or other adverse circumstance) causes decreased visibility or a public hazard, work shall immediately be discontinued. Work shall not be conducted on, or within twenty-four hours preceding, the following holidays or holiday weekends: New Year's Day, Martin Luther King, Jr.'s Birthday, Lincoln's Birthday, Presidents' Day, Cesar Chavez's Birthday, Easter, Memorial Day, Independence Day (July 4th), Labor Day, Columbus Day, Veteran's Day, Thanksgiving and the day after, and Christmas. Unless specified on Attachment A, work is permitted the day following a legal holiday or holiday weekend.

**10. PARTICIPATION IN STATEWIDE EVENTS:** Weather permitting, litter removal groups shall schedule work during the "Great California Cleanup" (March-May) and "California Cleanup Day" (September) events in order to support Adopt-A-Highway's partici-

pation in national and international cleanup events.

**11. CONFLICTING ENCROACHMENTS:** Permittee shall yield start of work to ongoing, prior authorized, work adjacent to or within the limits of the project site.

**12. PERMIT AT WORK SITE:** Permittee shall keep the complete permit package (Adopt-A-Highway Encroachment Permit, Adopt-A-Highway Permit Special Provisions, plans, and schedules) or a copy thereof, at the work site and show it upon request to any Department representative or law enforcement officer. If the permit package is not kept and made available at the work site, the work shall be suspended. In addition, a copy of the encroachment permit must be displayed in the windshield of each vehicle parked on the right-of-way. Vehicles without permits may receive traffic citations.

**13. PARKING AT THE WORK SITE:** Participant's personal vehicles shall not interfere with the free flow of traffic or pedestrians. Vehicles used to transport participants or materials may legally park on the right-of-way provided that they are located completely *off of the pavement and a minimum of six feet from any traffic lane*. If this is not possible, participants must walk to and from the site or, if the site has a shoulder, participants can use a drop-off and pick-up arrangement.

**14. WORK PROCEDURES:** Work shall proceed in the direction facing traffic. A posted safety lookout shall be used when fellow participants are unable to watch oncoming traffic.

Work shall not be performed on or within six feet from any traffic lane or on median strips. Participants shall not walk or run across access-controlled highways (freeways), including on-ramps and off-ramps. Participants shall not work on unstable or slippery ground, on slopes greater than approximately 40°, on bridges, in tunnels, or inside culverts. Unless excluded by the aforementioned conditions, or entered on Attachment A, litter removal and vegetation control shall be performed behind soundwalls.

**15. PUBLIC TRAFFIC CONTROL:** Unless specifically checked and described as an "Other Adoption Type," all forms of traffic control, including shoulder closures, are prohibited under this permit.

**16. SAFETY EQUIPMENT:** It is required that all participants wear hard hats, safety vests, gloves, and protective eye wear while working within State's right-of-way. The Department will provide these and, if needed, litter pickers to volunteers free of charge. In addition, participants are required to wear long pants and substantial leather shoes or boots with ankle support. Any State-furnished, personal protective equipment, unused materials, and tools shall be returned upon termination of the adoption.

**17. LITTER BAGS:** Participants shall use white, Adopt-A-Highway bags provided by the Department. Securely tied, filled bags must be placed at least six feet from the edge of traffic lanes and off of paved shoulders. Bags must be placed in locations where they are not obstructing drainage and where Departmental maintenance forces can easily see them and safely retrieve them. Whenever possible, bags should be stacked together and/or placed 100 feet from structures. It is important for participants to leave their filled bags at the site so that the Department can verify that work frequencies are being met. Also, the monthly count of white bags collected, enables the Department to quantify the value of the Adopt-A-Highway Program. (Participants may take bags of recyclables home.)

**18. STORAGE OF EQUIPMENT AND MATERIALS:** Unless specified in the Permittee's planting and/or work plans, storage of equip-

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ment and materials (other than filled, Adopt-A-Highway litter bags) on the State right-of-way is not authorized under this permit.

**19. SAFETY PROCEDURES FOR VOLUNTEER GROUPS:**

- A. Designate a safety leader.** Each permittee shall designate a safety leader to represent the group. Unless otherwise notified, the Department considers the safety leader to be the individual whose name appears on the attached encroachment permit.
- B. Attend a Caltrans safety orientation.** The designated safety leader shall schedule and attend a safety orientation given by the Department's representative within two weeks of this permit's date of issue. The "Adopt-A-Highway Safety Orientation Checklist for Volunteers" will be reviewed, signed, and a copy given to the permittee. New safety leaders, appointed during the permit period, must make arrangements to be given a safety orientation by a Departmental representative, not by the Permittee's previous safety leader.
- C. Obtain safety equipment:** Safety equipment and a copy of the Adopt-A-Highway safety video shall be issued during the Caltrans safety orientation. Participants who need them will also receive Adopt-A-Highway litter bags and litter pickers. Additional safety equipment and litter bags may be obtained as needed throughout the permit period from the Department's Maintenance Field Representative.
- D. Provide safety training to all group members.** The safety leader shall then provide safety training for all participants before they attend a work event. The encroachment permit and special provisions must be explained and part two of the Adopt-A-Highway safety video must be viewed.
- E. Conduct safety reviews before each work event.** Safety leaders must conduct a brief, off-site safety review each time the group goes out to work. The "Safety Requirements for Participants" and the "Bag It, Move It, or Leave It?" handouts should be reviewed. Safety leaders shall ensure that all participants are equipped with safety gear and that minors will be adequately supervised.
- F. Provide annual safety training.** Safety leaders must hold an annual safety training refresher for all participants. Once again, the encroachment permit and special provisions pages shall be explained and part two of the Adopt-A-Highway safety video viewed.
- G. Report injuries, accidents, and incidents.** The following occurrences shall be reported to the District Adopt-A-Highway Coordinator on the next business day. Injuries resulting in an individual seeking medical treatment, vehicular damage resulting in an insurance claim and/or police report, and incidents where the California Highway Patrol was contacted.

- 20. ADOPT-A-HIGHWAY SIGNS:** The Department shall furnish, install, and maintain an Adopt-A-Highway courtesy sign(s) and standard recognition panel(s) at the adoption site in recognition of the Permittee's contribution. Standard recognition panels shall display the Permittee's name in black, block letters on a white background. Permittees may furnish a customized, recognition panel(s) at their own expense. Specifications for the recognition panel's wording, size, color, type style, placement, and any subsequent modifications shall be solely determined and approved by the Department. (Note: "Spot" Wildflower adoptions do not meet minimum requirements for a courtesy sign.) **The Adopt-A-Highway Program and its courtesy signs are not a forum for advertisement or public discourse.**

- 21. WHEN AN ADOPT-A-HIGHWAY CONTRACTOR IS UTILIZED:** Individuals, organizations, and businesses may adopt segments of highway and have the required adoption work performed by a professional business through contract or agreement. Contractors must submit a separate Adopt-A-Highway Permit Application and will be issued a "double permit." Only contractors that have been pre-approved by the Department may be utilized. In order to receive Departmental approval, contractors must submit and maintain the following documents:

- A. A certificate of insurance for general liability,** in the minimum amount of three million dollars, is required for contractors who employ persons to perform work authorized under this permit. A certificate of insurance for general liability, in the minimum amount of one million dollars, is required for contractors who do not employ persons to perform work authorized under this permit. Said certificates for general liability insurance shall name the State of California Department of Transportation as additional insured.
- B. Vehicular insurance,** in the minimum amount of one million dollars, is required of all contractors.
- C. Worker's compensation insurance,** in the minimum amount of one million dollars, is required for contractors who employ persons to perform work authorized under this permit.
- D. Professional licensing** as required by the California State Contractors Licensing Board and/or the California Department of Pesticide Regulation to perform work authorized under this permit. **Subcontracting is not permitted under the Adopt-A-Highway Program.**
- E. County and/or city business licenses** as required by local governments to perform work authorized under this permit.

Contractors are required to provide a minimum notice of 30 days to the Department's District Adopt-A-Highway Coordinator or State-wide Adopt-A-Highway Coordinator before any reduction in coverage and/or cancellation of coverage becomes effective.

**22. SAFETY PROCEDURES FOR ADOPT-A-HIGHWAY CONTRACTORS:**

- A. Attend a Caltrans safety orientation.** Adopt-A-Highway contractors shall abide by safety requirements set forth by California Occupational Safety and Health Administration (Cal-OSHA). In addition, the contractor's crew leader shall schedule and attend a safety orientation given by the Department's representative within two weeks of this permit's date of issue. The "Adopt-A-Highway Safety Orientation Checklist for Contractors" will be reviewed, signed and a copy given to the permittee.
- B. Report injuries, accidents, and incidents.** The following occurrences shall be reported to the District Adopt-A-Highway Coordinator on the next business day. Injuries resulting in an individual seeking medical treatment, vehicular damage resulting in an insurance claim and/or police report, and incidents where the California Highway Patrol was contacted.

- 23. PERMITS FROM OTHER AGENCIES:** This permit is invalid if the permittee has not obtained all permits necessary and required by law from Cal-OSHA, the Public Utilities Commission of the State of California (PUC), the California State Contractors Licensing Board, the California Department of Pesticide Regulation, or any other public agency having jurisdiction.

- 24. COST OF WORK:** Unless stated in the permit, or a separate written agreement, the permittee shall bear all costs incurred for work

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within the State right-of-way and waives all claims for indemnification or contribution from the State.

- 25. PREVAILING WAGES:** Work performed by or under a permit may require permittee's contractors to pay appropriate prevailing wages as set by the Department of Industrial Relations. Inquiries or requests for interpretations relative to enforcement of prevailing wage requirements are directed to State of California Department of Industrial Relations, 525 Golden Gate Avenue, San Francisco, California 94102.
- 26. UNDERGROUND SERVICE ALERT (USA) NOTIFICATION:** Any excavation requires compliance with the provisions of Government Code Section 4216 et. seq., including, but not limited to, notice to a regional notification center, such as Underground Service Alert (USA). The permittee shall provide notification at least 48 hours before performing any excavation work within the right-of-way.
- 27. ARCHAEOLOGICAL/HISTORICAL:** If any archaeological or historical resources are revealed in the work vicinity, the permittee shall immediately stop work and notify the Department's Maintenance field representative.
- 28. DURATION OF PERMIT:** Unless otherwise specified, this permit is valid for five calendar years from the date of issuance. Permittees may apply for additional five-year permits, provided that the permittee and/or the permittee's contractor have satisfactorily met the terms of the existing permit and the site remains suitable for adoption. If the permittee wishes to reapply, a notice of such intent shall be submitted to the District Adopt-A-Highway Coordinator at least 30 days prior to the expiration date of this permit.
- 29. NO PRECEDENT ESTABLISHED:** This permit is issued with the understanding that it does not establish a precedent.
- 30. RESPONSIBILITY FOR DAMAGE:** The State of California and all officers and employees thereof, including but not limited to the Director of Transportation and the Deputy Director, shall not be answerable or accountable in any manner for injury to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee, or for damage to property from any cause. The permittee shall be responsible for any liability imposed by law and for injuries to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee, or for damage to property arising out of work, or other activity permitted and done by the permittee under a permit, or arising out of the failure on the permittee's part to perform his obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity or at any subsequent time, work or other activity is being performed under the obligations provided by and contemplated by the permit.

The permittee shall indemnify and save harmless the State of California, all officers, employees, and State's contractors, thereof, including but not limited to the Director of Transportation and the Deputy Director, from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person, including but not limited to the permittee, persons employed by the permittee, persons acting in behalf of the permittee and the public, or damage to property resulting from the performance of work or other activity under the permit, or arising out of the failure on the permittee's part to perform his obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity or at any sub-

sequent time, work or other activity is being performed under the obligations provided by and contemplated by the permit, except as otherwise provided by statute.

The duty of the permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the Civil Code. The permittee waives any and all rights to any type of expressed or implied indemnity against the State, its officers, employees, and State contractors. It is the intent of the parties that the permittee will indemnify and hold harmless the State, its officers, employees, and State's contractors, from any and all claims, suits or actions as set forth above regardless of the existence or degree of fault or negligence, whether active or passive, primary or secondary, on the part of the State, the permittee, persons employed by the permittee, or acting on behalf of the permittee.

For the purpose of this section, "State's contractors" shall include contractors and their subcontractors under contract to the State of California performing work within the limits of this permit.